

Minutes of Land Use, Parks and Environment Committee
Tuesday, February 17, 2009

Chair Fritz Ruf called the meeting to order at 8:30 a.m. and led the Committee in the Pledge of Allegiance.

Committee Present: Supervisors Fritz Ruf (Chair), Janel Brandtjen (arrived at 8:31 a.m.), James Jeskewitz, Walter Kolb, Gilbert Yerke, Rob Hutton. **Absent:** Ted Rolfs.

Also Present: Chief of Staff Mark Mader, Landscape Architect Pam Linn, Planning and Zoning Manager Dick Mace, Director of Parks and Land Use Dale Shaver, Greg Good, Senior Financial Analyst Bill Duckwitz, Supervisor Patricia Haukohl.

Approve Minutes of February 3, 2009

MOTION: Jeskewitz moved, Kolb second, to approve the minutes of February 3, 2009. Motion carried 5-0.

Brandtjen arrived at 8:31 a.m.

Correspondence

Letter from the WI DNR to Jim Dwyer regarding the Big Muskego Lake Wildlife Area in the City of Muskego.

Executive Committee Report

Ruf reported on the items discussed/considered at the Executive Committee meeting on February 16, 2009, including the following:

- Update on IT Projects
- Ordinance 163-O-085 to modify Capital Project 9903 and reduce debt borrowing in the 2009 Capital Budget.
- Ordinance 163-O-086 to authorize UW-Extension to accept a contract from the Village of Chenequa for comprehensive planning facilitator services.
- Updates on WCA, Justice Reinvestment Initiative Oversight Committee, Local Government Institute and SEWRPC.
- Two appointments for WCFLS and Sheriff's Civil Service Commission.

Future Meeting Date

- March 3, 2009

Future Agenda Items

- Update on new Register of Deeds software

Meeting Approval

MOTION: Jeskewitz moved, Brandtjen second, to approve attendance of the Land Use Committee at the Land Use Committee at Water Wise 2009, Conservation in Action on March 7, 2009. Motion carried 6-0.

Legislative Update

Ruf said a repair bill was approved. All areas are waiting to see how much money they will get from the federal government.

Discuss and Consider Ordinance 163-O-080: Approve Land Use Permit to Village of Sussex to Construct, Operate and Maintain a Driveway for the Sussex Safety Building

Linn said Approval of this ordinance allows the Village of Sussex to construct, operate and maintain driveway access to the Sussex Safety Building (which houses a fire station and Sheriff's Department Substation) across the Bugline Trail. Construction of the driveway will improve drainage for the building, provide a safer crossing and a connection to the Bugline Trail. The ordinance also waives the normal \$225 Land Use Permit Fee to be waived.

MOTION: Yerke moved, Kolb second, to approve Ordinance 163-O-080. Motion carried 6-0.

Discuss and Consider Resolution 163-R-008: Amend the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin

Mace distributed and reviewed colored copies of maps of the area associated with this resolution. The resolution affects the south central part of the City of New Berlin where additional areas will be added to the sewer service. Mace said the area looks like a typical industrial area. Mader said this area on the Moorland Road corridor has developed south into an industrial park.

Yerke asked why did the sewer system end here? Mace said the county isn't involved in those kinds of decisions. Businesses wanting to expand, need approval to move sewer into the area.

MOTION: Hutton moved, Kolb second, to approve Resolution 163-R-008. Motion carried 6-0.

Discuss and Consider Ordinance 163-O-081: Amend the Waukesha County Shoreland and Floodland Protection Ordinance of the Town of Lisbon, by Amending a Condition of Approval of SZ-1466 as to Allow a Total of Three (3) Access Points onto Plainview Road, Including the Parcel Containing the Existing Residence/Buildings, on Certain Lands Located in Part of the SW ¼ of Section 11, T8N, R19E, Town of Lisbon (SZ-1466A)

Mace said his department has dealt with this property before. In the past, the owner wanted to rezone the property and give the northern two-thirds to the County. The County no longer wants the wetland but instead wants to keep it under land use control. The county owns some land in the area. The owner's original plan was to put in a cul de sac and create seven to nine lots but the plan was foiled when the soil tests did not support the plan. A stipulation in a previous rezone allowed the property three access points onto Plainview Road. Mace identified the parcels on a map and explained the property is fairly small and subject to rezoning as outlined in the staff recommendation of the ordinance. The owner, who has a personal residence and barn on the parcel, is proposing three access points onto Plainview Road. The access points would include one access to his property and two common drives shared by four, single-family homes. In order to complete the plan, he needs to eliminate one current access point near his personal lot. The ordinance also allows for a swimming pool.

MOTION: Kolb moved, Hutton second, to approve Ordinance 163-O-081. Motion carried 6-0.

Discuss and Consider Ordinance 163-O-082: Amend the District Zoning Map of the Town of Lisbon Zoning Ordinance by Rezoning Certain Lands Located in Part of the SE ¼ of Section 34, T8N, R19E, Town of Lisbon, from the Residence A-2 District to the Quarrying and Conservancy Districts (ZT-1681)

Mace outlined the property on a map. He said this ordinance would approve a rezone to Q-1 Quarry for property owned by Halquist Stone on HWY A and HWY 164. The rezone would allow Halquist Stone to further develop the quarry westward in accordance to the County Development Plan. Halquist will continue to rent out several houses at the location for the time being.

MOTION: Hutton moved, Jeskewitz second, to approve Ordinance 163-O-082. Motion carried 6-0.

Discuss and Consider Ordinance 163-O-083: Adopt Waukesha County Comprehensive Development Plan – 2035 and 2009 Comprehensive Development Plan Amendments

Shaver said the Park and Planning Commission requested five changes in the plan. Haukoil asked to have the words “open space” changed to “green space.” There is a clarification in chapter three regarding groundwater recharges. The intent was correct but the writing was incorrect. One commissioner wanted language added to the housing chapter implementation segment explaining that in many cases it is not under the purview of county government to affect affordable housing by increasing rural density. Another commissioner asked to have the alignment of CTH KE moved back to the north which can be viewed in maps 8-4 and 8-5.

Brandtjen asked what happens once this plan is approved? Shaver said according to comprehensive planning laws, a municipality in the regulatory business must have their Comprehensive Development Plan approved by January 1, 2010. Waukesha County received a grant to help municipalities prepare their comprehensive development plans, which are smaller versions of the County’s plan. Waukesha County’s goal is to have plans for the 28 municipalities they are working with adopted by May 4, 2009. The municipalities plans must be reviewed by the state by June 4 or the grant money will have to be paid back.

Shaver said once the County Board adopts the plan, land use decisions are made consistent with the plan in accordance to the law. Rezoning requests are supported or denied whether or not they are consistent with the Land Use Plan. The planning timeline in the plan is 2035 with annual amendments as necessary. The plan is not static. Once the 2020 census data is available, data will be compared and updated accordingly.

Yerke asked how do the cities and villages relate to the county? Shaver said by law the county has to accept plans submitted by cities and villages if they prepare a comprehensive plan. In practice, it does not make sense if it is a bad plan. Luckily, this has not happened yet. There have been situations where a municipality submitted a plan that did not align with the adjoining lands of a town. When this happens, staff meets with the municipality and suggests changes. Cities and villages can rezone lands without coming to the county for approval. The county asks the municipalities to notify the county when they make changes that affect the plan. Waukesha County also posts these changes online to the County’s GIS system. We have struggled to get this information from the municipalities. They forget to send the updates. The planning staff is working on an automated system to update the GIS system.

Shaver said each year amendments can be made to the current development plan. This year was an oddity because a plan was finalized when amendments were due. The department knew that applications had been pulled during the years but didn’t know who would return them. A few of the submissions requested changes to the current development plan and were reviewed and acted on by the Park and Planning Commission.

Mader said in the past each amendment was a separate resolution. The chart on page three of the ordinance indicates the staff recommendations that were or were not incorporated into the ordinance.

Hutton asked if the County chose to deny the Halquist Stone and Wenger properties because the owners did not go through the proper municipal channels first? Shaver said yes, the property owners did not go through proper channels. The County tries to keep the integrity in the process by having towns take action first. Mace said Halquist Stone requested changes to properties they did not own or have property owner’s approval. Staff is meeting with the Wengers and Halquist Stone to discuss their wishes and desires.

Hutton asked why was “open space” changed to “green space?” Shaver said the Town of Mukwonago has

density standards to preserve open space. The concept is to cluster development and leave open space for future use. An open space in Mukwonago was developed into a school. Was the intent of the plan to have the area be green or open space? A committee was formed to define open versus green space. The different types of space needed to be clarified it in the Development Plan. Open space shall have no more than 5% impervious spaces. Shaver said the plan can't trump the municipal plans.

MOTION: Kolb moved, Jeskewitz second to approve Ordinance 163-O-083. Motion carried 6-0.

MOTION: Jeskewitz moved, Ruf second, to adjourn at 9:48 a.m. Motion carried 6-0.

Respectfully submitted,

Jim Jeskewitz
Secretary